IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 16371 of 2007(Y)

AGAINST THE ORDER IN EP 585/2004 IN OS.188/2002 of MUNSIFF COURT,CHAVAKKAD

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PETITIONERS:

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1. K.K.RADHA, W/O.BALAKRISHNAN, KATTAMBIL HOUSE, CHEMMANNUR P.O., THALAPILLI TALUK, THRISSUR DISTRICT.

2. K.P.BALAKRISHNAN, AGED 69 YEARS, S/O.PADU, PROPRIETOR, M/S.R.K.ENTERPRISES, CHEMMANNUR P.O., RESIDING AT KATTAMBIL HOUSE, THALAPPILLI TALUK, THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.GEORGE THOMAS

RESPONDENT:

STATE BANK OF INDIA, ARIKAT BRANCH, THRISSUR DISTRICT, REPRESENTED BY THE BANK MANAGER.

BY K.K. CHANDRAN PILLAI, S.C. FOR S.B.I.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 16371 OF 2007

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Dated this the 5th day of June, 2007.

J U D G M E N T

This writ petition is filed directing the Court below to pass an order after considering Ext.P3 objection. I have gone through Ext.P3 objection. There is no valid contention in Ext.P3 except for a prayer to discharge the decree debt by making instalment payment at the rate of Rs.6,000/- per month.

2. The learned counsel for the decree holder does not agree for such a course. It is submitted that the suit is of the year 2002 and no amount is recovered till this date. Therefore, the prayer of the writ petitioner to pay the amount at the rate of Rs.6,000/- is rejected. After hearing both sides I feel that reasonable opportunity can be given to the writ petitioner to wipe off the liability as follows:

3. The writ petitioner shall pay an amount of Rs.35,000/- within a period of one month from today and pay the balance amount at the rate of Rs.10,000/- per month till the decree debt is discharged.

If there is default in payment of Rs.35,000/- within the stipulated period or default in payment of any of the instalments, then the decree holder will be at liberty to proceed with the property for the realisation of the decree debt and the facility afforded to the writ petitioners shall stand automatically cancelled.

M.N. KRISHNAN, JUDGE.

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